

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SONIA SAYYEDALHOSSEINI,

Plaintiff,

v.

USCIS SACRAMENTO FILED OFFICE
U.S. DEPARTMENT OF HOMELAND
SECURITY,

Defendant.

No. 2:21-cv-0207 JAM DB PS

ORDER

Plaintiff Sonia Sayyedalhosseini is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). Plaintiff commenced this action on February 2, 2021, by filing a complaint and paying the required filing fee. (ECF No. 1.) On March 1, 2021, plaintiff filed a purported proof of service on the defendant. (ECF No. 4.)

On April 20, 2021, pursuant to plaintiff's request, the Clerk entered defendant's default. (ECF No. 6.) On April 28, 2021, plaintiff filed a motion for default judgment. (ECF No. 7.) On May 20, 2021, plaintiff filed a motion for citizenship. (ECF No. 9.) Plaintiff's motions, however, were not noticed for hearing in violation of Local Rule 230. Moreover, the motions do not contain legal analysis and are essentially just a collection of exhibits.

////

1 Most importantly, however, review of plaintiff's purported proof of service on the
2 defendant reflects that plaintiff attempted to serve the defendant personally and by mail at the
3 USCIS Sacramento Field Office. (ECF No. 4 at 3.) Defendant, however, is an agency of the
4 United States. Rule 4 of the Federal Rules of Civil Procedure provides that to serve an agency of
5 the United States a plaintiff must not only send summons to the agency, but must also:

6 (A)(i) deliver a copy of the summons and of the complaint to the
7 United States attorney for the district where the action is brought--or
8 to an assistant United States attorney or clerical employee whom the
United States attorney designates in a writing filed with the court
clerk--or

9 (ii) send a copy of each by registered or certified mail to the civil-
10 process clerk at the United States attorney's office;

11 (B) send a copy of each by registered or certified mail to the Attorney
General of the United States at Washington, D.C.; and

12 (C) if the action challenges an order of a nonparty agency or officer
13 of the United States, send a copy of each by registered or certified
mail to the agency or officer.

14 Fed. R. Civ. P. 4(i)(1). "A federal court does not have jurisdiction over a defendant unless the
15 defendant has been served properly under Fed. R. Civ. P. 4." Direct Mail Specialists, Inc. v. Eclat
16 Computerized Technologies, Inc., 840 F.2d 685, 688 (9th Cir. 1988).

17 Accordingly, IT IS HEREBY ORDERED that:

18 1. The Clerk of the Court shall vacate the entry of defendant's default;

19 2. Plaintiff's April 28, 2021 motion for default judgment (ECF No. 7) is denied without
20 prejudice to renewal;

21 3. Plaintiff's May 20, 2021 motion for citizenship (ECF No. 9) is denied without
22 prejudice to renewal;

23 4. Plaintiff is granted sixty days to properly serve the defendant; and

24 ///

25 ///

26 ///

27 ///

1 5. Plaintiff is cautioned that the failure to timely comply with this order may result in a
2 recommendation that this action be dismissed.

3 Dated: August 26, 2021

4
5
6 
7 DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
DLB:6
DB/orders/orders.civil/sayyedahosseini.r4(i).ord